

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 06-20975-CIV-HUCK/SIMONTON

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JOHN P. UTSICK, et al.,

Defendants.

NOTICE OF APPEAL

Notice is hereby given that John P. (Jack) Utsick, defendant in the above named case, hereby appeals to the United States Court of Appeals for the Eleventh Circuit (i) from the Findings of Fact, Conclusions of Law and Final Judgment Ordering Disgorgement, Prejudgment Interest, and a Civil Penalty Against Defendant John P. Utsick entered in this action on May 19, 2009; (ii) from the Final Judgment Setting Disgorgement and Prejudgment Interest and Imposing a Civil Penalty entered in this action on May 22, 2009; (iii) from the Order Denying Defendant Utsick's Motion to Correct entered in this action on May 22, 2009; (iv) from the Order Denying Utsick's Motion for Reconsideration entered in this action on June 30, 2009; (v) from the Order Denying Utsick's Motion for Relief from Stay entered in this action on July 11, 2007; (vi) from the Order Denying Defendant's Modified Motion for Advances of Legal Fees and Costs and Reasonable Living Expenses, and Alternative Motion to Dismiss or Strike Claims for Disgorgement and Penalty if Advances of Legal Fees are Denied entered on August 31, 2007; (vii) from the Order Denying Utsick's Motion for Advancement of Legal Fees entered on January 20, 2009; and (viii) from the Order on Plaintiff's Motion for Sanctions Against

Defendant Utsick and Defendant Utsick's Motion to Modify the Protective Order entered on March 23, 2009.

Respectfully submitted,

s/ Michael J. Rosen

Michael J. Rosen
Florida Bar No. 0183719
Michael J. Rosen, P.A.
2937 S.W. 27th Avenue
Suite 101
Miami, Florida 33133
Local Counsel for John P. (Jack) Utsick

Telephone: (305) 446-6116
Facsimile: (305) 446-6150
mjr@mjrosenlaw.com

Richard S. Kraut, Esq.
Dilworth Paxson LLP
655 Fifteenth Street, NW
Suite 810
Washington, D.C. 20005
Counsel for John P. (Jack) Utsick,
Pro Hac Vice

Telephone: (202) 466-9152
Facsimile: (202) 452-0930
rkraut@dilworthlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July, 2009, I caused the foregoing to be filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system (CM/ECT) upon parties/counsel of record.

By: Michael J. Rosen